

REMARKS

Telephonic Inquiry

Applicants thank the Examiner for promptly responding to the telephonic inquiry of September 16, 2009. Issues pertaining to the non-compliant notice and the formal objection of the specification were discussed in the telephone call of September 17, 2009.

Notice of Non-Compliance

The notice of non-compliance alleges that the biological sequences recited in the drawings lacks sequence identifier numbers. Applicants respectfully traverse this contention. In the “Supplementary Preliminary Amendment” filed November 7, 2005, Applicants amended the specification to incorporate the sequence identifier numbers of the sequences that appear in Figures 3 of the instant application. More specifically, the Brief Description of the Drawings section of the specification was amended in compliance with MPEP §2422.02, which states:

“when a sequence is presented in a drawing, regardless of the format or the manner of presentation of that sequence in the drawing, the sequence must still be included in the Sequence Listing and the sequence identifier ("SEQ ID NO:X") must be used, **either** in the drawing **or** in the Brief Description of the Drawings.”

As for the sequence listing text in the drawings, Applicants direct the PTO’s attention to MPEP §608.02, which explicitly states “Applications filed under 35 U.S.C. 371 are excluded from the prohibition from having the same tables and sequence listings in both the description portion of the specification and drawings.” The same is earnestly solicited.

Withdrawal of the objection is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response to Deposit Account No. 13-3402.

Respectfully submitted,

/Sagun KC/

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For Applicant(s)

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